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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,123	07/23/2001	Christina E. Colabella	56145473-17	2409

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BAKER & MCKENZIE
805 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,123

Applicant(s)

Colabella et al

Examiner

Daniel Felten

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The following title is suggested:

--Account Status system and Method for Managing a Closing of a User Account--.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371[®] of this title before the invention thereof by the applicant for patent.

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1 The changes made to 35 U.S.C. 102(e) by the American Inventors Protection
2 Act of 1999 (AIPA) do not apply to the examination of this application as the application being
3 examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under
4 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the
5 amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6
7 5. Claims 1, 3, 4 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by
8 Bachman (US 6,315,196 B1).

9 **Claim 1:**

10 Bachman discloses a method for managing a closing of an account of a user, comprising:

11 receiving an identifier (*account number*) of the account of the user (see Bachman, figs. 4,
12 *status code 164 and reason code 166*, col. 7, ll. 41-62);

13 retrieving status information associated with the identifier (See Bachman, at least,
14 *Cancelled enrollment*, col. 7, ll. 63 to col. 8, ll. 16);

15 determining from the retrieved status information whether the account is coded to close
16 (See Bachman, at least, *Cancelled enrollment*, col. 7, ll. 63 to col. 8, ll. 16);

17 and automatically providing from the retrieved status information a reason why the
18 account has not been closed if the account is determined to be coded to close (see Bachman, figs.
19 4, *status code 164 and reason code 166*, col. 7, ll. 41-62; and *Cancelled enrollment*, col. 7, ll.
20 63 to col. 8, ll. 16).

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1 **Claim 3:**

2 the step of automatically providing includes automatically providing a text message explaining
3 why the account has not been closed (see fig. 3, *24 Month Notice Program Ended--186*).
4

5 **Claim 4:**

6 the reason the account has not been closed includes at least one of that the account has an
7 outstanding balance and that a predetermined number of days have not expired from a request to
8 close date to a date of receipt of the identifier (see fig. 3, *24 Month Notice Program Ended--186*).
9

10 **Claim 13:**

11 the identifier is a predetermined account number (See Bachman, col. 7, ll. 52-62).
12

13 **Claim 14:**

14 the account is a credit card account (see Bachman, Abstract).
15

16 **Claim 15:**

17 An account management system for managing a closing of an account of a user, comprising:
18 a memory unit for storing status information of the account;

19 a response unit connected to the memory unit and operable to receive an identifier of the
20 account; and

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1 a determination unit connected to the response unit and operable to receive the identifier
2 from the response unit and to retrieve the status information associated with the identifier from
3 the memory unit, the determination unit further operable to determine whether the account is
4 coded to close from the retrieved status information, and

5 to automatically provide through the response unit a message indicating a reason why the
6 account has not been closed if the account is determined to be coded to close (see Bachman, figs.
7 4, *status code 164 and reason code 166*, col. 7, ll. 41-62; and *Cancelled enrollment*, col. 7, ll.
8 63 to col. 8, ll. 16).

9
10 **Claim 17:**

11 The account management system for managing a closing of an account of a user as set forth in
12 wherein the message is a text message (see Bachman fig. 3, *24 Month Notice Program Ended--*
13 *186*).

14
15 **Claim 18:**

16 The account management system for managing a closing of an account of a user as set forth in
17 wherein the account is a credit card account (see Bachman, Abstract).

18

19

20

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1 **Claim 19:**

2 The account management system for managing a closing of an account of a user as set forth in
3 wherein the identifier is a predetermined account number (see Bachman, col. 7, ll. 52+).

4
5 **Claim 20:**

6 The account management system for managing a closing of an account of a user as set forth in
7 wherein the reason the account has not been closed includes at least one of that the account has
8 an outstanding balance and that a predetermined number of days have not expired from a request
9 to close date to a date of receipt of the identifier (see fig. 3, *24 Month Notice Program Ended--*
10 *186*).

11
12
13 ***Claim Rejections - 35 USC § 103***

14 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
15 obviousness rejections set forth in this Office action:

16 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
17 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
18 are such that the subject matter as a whole would have been obvious at the time the invention was made to a
19 person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
20 negated by the manner in which the invention was made.

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1 7. Claims 2, 6-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over
2 Bachman (US 6,315,196 B1) in view of Joao et al (hereinafter "Joao", US 5,878,337). The
3 teachings of Bachman have been discussed above.

4
5 Bachman fails to disclose the step of automatically providing a voice message explaining
6 why the account has not been closed and/or indicating that the account is closed if the account is
7 determined to be closed and/or indicating the determined date.

8 Joao discloses a transaction security apparatus which may provide automatic notices to
9 an owner or user of a situation, wherein communication to the user can be conveyed via voice
10 message (see at least Joao, col. 39, ll. 42+). It would have been obvious for an artisan at the
11 time of the invention of Bachman to substitute the voice messaging in Joao for the text
12 messaging in Bachman, because such a substitution would be considered art recognized
13 equivalence inasmuch as the substitution of a voice messaging system would provide an
14 alternative means to communicate various reasons for actions that have been taken regarding a
15 user's account. Thus such a modification would constitute a matter of design choice as well as
16 an obvious expedient well within the ordinary skill in the art.

17
18 8. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman (US
19 6,315,196) as modified by Joao et al (US 5,878,337) as applied to claim above, and further in

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1 view of Longfield (US 5,724,523). The teachings of Bachman as modified by Joao have been
2 discussed above.

3 Bachman as modified by Joao fail to disclose determining from the retrieved status
4 information whether a refund is owed to the user on the account; and determining an amount of
5 the refund if the refund is determined to be owed to the user. Longfield teaches the
6 aforementioned feature (see Longfield, Abstract). It would have been obvious for an artisan of
7 ordinary skill in the art at the time of the invention was made to employ the teachings of
8 Longfield to the teachings of Bachman as modified by Joao because and artisan at the time of
9 the invention would have considered the teaching an obvious extension to Bachman as modified
10 by Joao inasmuch as an artisan would have considered the teachings of Longfield as far as
11 accrediting to an account funds to provide credit protection against penalties resulting from an
12 overdraft. Thus such a modification would have been considered an obvious expedient well
13 within the ordinary skill in the art.

14
15 9. Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman
16 (US 6,315,196) in view of Joao et al (US 5,878,337) and Longfield (US 5,724,523).

17
18 **Regarding Claims 21:**

19 Bachman discloses a method for informing a user of a status of an account (see Bachman, col. 7,
20 ll. 41-62), comprising:

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1 receiving from the user an account identifier (*account number*);

2 retrieving status information associated with a closing of the account according to the

3 received account identifier (see Bachman, col. 7, ll. 63 to col. 8, ll. 16);

4 determining a date the account will close if it was determined that the account is not

5 closed (see fig. 3, *24 Month Notice Program Ended--186*);

6 Bachman fails to disclose a voice message system and retrieving status information

7 regarding refund information.

8 Joao discloses a voice message indicating at least one of the date the account (see at least

9 Joao, col. 39, ll. 42+). It would have been obvious for an artisan at the time of the invention

10 of Bachman to integrate or substitute the voice messaging, as taught by Joao, for the text

11 message of Bachman because such a integration/substitution would have been an alternative

12 means to communicate account status from the administrator to the user other than textual as

13 well as provide status information to users who may be visually impaired. Thus such a

14 modification would have been an obvious expedient well within the ordinary skill in the art.

15 Furthermore, it would have been obvious for an artisan of ordinary skill in the art to

16 provide status information regarding a refund of funds within an account, as taught by Longfield

17 because an artisan at the time of the invention would recognize the use of a refund as an obvious

18 extension to the teachings of Bachman inasmuch as such a modification would provide user

19 protective aspects to insure recovery of expended funds for which a transaction could not be

1 completed. Thus such a modification would have been an obvious expedient well within the
2 ordinary skill in the art.

3
4 **Claim 22:**

5 the account identifier is a predetermined account number (see Bachman, *account number--136*,
6 col. 7, ll. 52+).

7
8 **Claim 23:**

9 the account is a credit card account (see Bachman, Abstract).

10
11 **Claim 24:**

12 the date the account will close is determined by adding a predetermined number of days to a
13 request to close date (see fig. 3, *24 Month Notice Program Ended--186*) .

14
15 **Claim 25:**

16 the date the user will receive the refund is a predetermined number of days after a date the
17 account was coded to close and the account had a balance of zero (see fig. 3, *24 Month Notice*
18 *Program Ended--186*).

19
20 **Claim 26:**

1 The method for informing a user of a status of an account as set forth wherein the date the
2 security deposit will be applied to the account is determined by adding a predetermined number
3 of days to a request to close date(see fig. 3, *24 Month Notice Program Ended--186*).

4
5 ***Conclusion***

6 10. A list of relevant prior art appears below not relied upon in this Office Action:

7 **US Patents:**

8 Teicher (US 5,206,488) Discloses a credit card system including a credit central unit and
9 plurality of local units for conducting low cost transactions.

10 Kay et al (US 5,247,571) Discloses area wide centrex

11 Patel (US 5,774,533) Discloses a method and system for providing a billing directed
12 communication service

13 Flynn et al (US 5,223,699) Discloses a recording and billing system

14 Mitchell et al (US 5,164,981) Discloses a voice response system with automated data transfer

15 11. Any inquiry concerning this communication or earlier communications from the examiner
16 should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The

17 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.

18 Any inquiry of a general nature relating to the status of this application or its proceedings should
19 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor

20 ***Vincent Millin*** whose telephone number is (703) 308-1065.

21
22 12. Response to this action should be mailed to:
23

24 Commissioner of Patents and Trademarks

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1 Washington, D.C. 20231

2
3 for formal communications intended for entry, or (703) 305-0040, for informal or draft
4 communications, please label "Proposed" or "Draft".

5 Communications via Internet e-mail regarding this application, other than those under 35
6 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
7 addressed to *[daniel.felten@uspto.gov]*.

8 All Internet e-mail communications will be made of record in the application file. PTO
9 employees do not engage in Internet communications where there exists a possibility that
10 sensitive information could be identified or exchanged unless the record includes a properly
11 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
12 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
13 Trademark on February 25, 1997 at 1 195 OG 89.

14
15 

16 **DSF**

17 **October 30, 2002**


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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